NEW DIRECTIONS FOR SOLVING ACTION TO MIGRANT WORKER PROBLEMS: A CASE STUDY OF CHONBURI PROVINCE, THAILAND

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Abstract- This paper attempted to identify problems of migrant workers in Chonburi Province, Thailand, to investigate the current actions of the problem- solving and limitations, and to suggest directions for future solutions to the issue. The qualitative method was employed by use of in- depth and focus group interview technique. The findings unveiled that a significance of solving actions for the migrant worker problems in Chonburi Province was lower than it should have been. The current situation revealed a requirement of integration and cooperation among different organizations to solving the issue as well as stricter enforcement of related laws and regulations. The study also suggested a modification of problem- solving direction based on a holistic magnitude that addressed more on the issue of migrant worker protection and the process of rectifying the illegal worker status, which could result in meeting workforce demand of the country.

Index Terms- Migrant Workers, Labor Protection, Illegal Workers

I. INTRODUCTION

Thailand national economic and social structural changes have been driven by its National Economic and Social Development Plan from the first issue (B.E. 2504) to the present 11th issue. The country has been accelerating its infrastructural development and expanding its manufacturing of goods and production of services to expedite international investment. This has instigated an unbalance of employment both in manufacture and service sectors, whereas some areas of productions and locations have seen a shortage of labors. This unbalance includes a mismatch between the demand and supply of labors in some areas. There still is a demand of lower or unskilled workforce for some manufacturing areas, whereas there is a shortage of Thai labors as a consequence of the fast growing economic of the country, the phenomenon that causes a soaring demand of wage by the domestic workforce. Many entrepreneurs require seeking for labors from other sources, for instance workers from rural areas and migrant worker group. This creates a phenomenon of labor mobilization from rural to urban areas and from one country to another country (Siwilai Chayangkul, 2012). Partly due to Thailand's geographical location as a hub of Southeast Asia and good facilitation of transportation network, the country has been appealing to an increasing number of migrant workers, especially those from its neighboring countries for example Myanmar, Laos and Cambodia, who try to escape from poverty, instability and lower payment in their country and evacuate to work in Thailand.

The sectors of Thailand most in need of labors, especially unskilled labors, include the industrial, fishery, agricultural and business sectors, due to their gradual expansion. Influx of huge number of international workers has originated both benefits and drawbacks to Thailand. Higher degree of migrations renders a compensation of labors in the industrial sectors in need, yet causes an inability of the country in controlling and planning for preventing problems arising from this situation (Thanyaporn Phan-arn, 1995). Some of the current problems include illegal workers, displacement, homelessness and illegal workers wandering around to work with their identity unknown.

This paper attempted to identify problems of migrant workers in Chonburi Province, Thailand, to investigate the current actions of the problem- solving and limitations, and to suggest directions for future solutions to the issue.

II. LITERATURE REVIEW

2.1. Significance of Migrant Workers in Thailand

The movement of foreign nationals to work in Thailand has been since the wartime, in which the people of the defeated countries were migrated to country (Department of Employment, 2008). 'Migrant workers' or 'alien workers' according to the Alien Working Act, B.E. 2551 (2008) of Thailand denotes the phenomenon where there is a movement of international workers from one country to another country through a process of employment. This global phenomenon has been driven by the advancement of information, communication and transportation technology and socio- economic, cultural and political factors. The migrant worker phenomenon is a result of the expansion of capitalism and globalization. In the case of Thailand, there has been news reporting the movement of migrant workers from its neighboring countries that share the borders with Thailand for instance Myanmar, Malaysia, Laos and Cambodia (Migrant Working Group, 2007).

The migration to Thailand of workers from the neighboring countries has been compelled by 3 factors which include poverty, human rights violations, insecurity and political instability of the originated countries, and Thailand's economic growth and intensive needs of labors. This has gradually been leading to migrations of illegal workers. The Thai Government has been alerted and attentive to solving this issue, standing on the 2 magnitudes: dealing with the national stability and the urgent need of international skilled labors to fill in some manufactures. However, it has been noticed that an attempt to solving this problem is ignoring the issue of migrant workers protection, which causes more chances for further different forms of abuses and human rights violations.

Racism remains one among other pernicious factors that instigates human rights violations. Productions and reproductions of news through media and other social mechanism create prejudice and stereotypes towards illegal workers as criminals to the national security. This hallucinated cause of fear and mental insecurity imprints the fearful and insecure society where people are living in mistrust and suspicion of each other: the Thai and the migrant workers. This mental insecurity is constructed by news, daily conversations, public relations, education, the ignorance and the unknowing. These discourses have constructed a myth upon the situation so deeply that it becomes a normal view and a norm of thinking. This can finally lead to higher degree of physical abuses and violence to these migrant workers (Migrant Working Group, 2007).

2.2. The Current Movement of Migrant Workers to Thailand

During the past few years, despite the Government's serious effort in controlling the number of migrant workers to an appropriate degree, there have still been reports of illegal migrations of workers especially across the borders. In the economic viewpoint, these workers have filled in many industries whose labors are still inadequate, for example manufacturing sector and fishery. The nation in its era of economic growth and concentrated development since Thailand's first National Economic and Social Development Plan (B.E. 2504) has required larger amount of human resources ranging from expertise, skilled and unskilled groups, as well as some advanced technologies, due to the national labor's capabilities and skills that lack behind the arrival of new technologies (Sureeporn Phanpheung, 2005).

Migrant workers can be categorized into 2 groups: legal workers and illegal workers. Legal workers are defined as non- Thai nationality natural persons who travel to Thailand and are permitted to work with authorized work permission document. Most of these are research workers, expertise or specialists, which can be classified into 4 types.

The first type is those who receive contemporary permission to work in Thailand, employed during the process of Thailand- foreigner business joint ventures, yet ineligible for investment promotion, under the Immigration Act or Working of Alien Acts, B.E. 2521.

The second type those who receive permanent work permit in Thailand. These are workers who legally enter the kingdom through the immigration and hold work permit issued by the Department of Labor Protection and Welfare (presently known being under the Ministry of Labor). This type of working permit applies only to those workers migrating into the kingdom before December 13, 1972 (B.E. 2515), who can work permanently in Thailand according to the Revolutionary Announcement No. 322.

The third group is those who were born in Thailand to migrant workers and do not obtain Thai nationality, or those who receive Thai nationality revocation, or those who are given a grace period according to the Article 12 of the Immigration Law to be waiting to be deported. During the waiting time, they are allowed to work temporarily. The last group is those migrant workers who hold contemporary passport and are recognized under the Board of Investment (BOI) scheme and other laws for instance the Investment promotion Act and the *Industrial Estate Authority of Thailand Act,* to promote foreign investment in Thailand.

The current statistics reported in June 2009, by the Ministry of Labor revealed that there were today 161,248 migrant workers allowed to work in Thailand legally compared against a number of 129,643 workers reported by the same month of the previous year. This indicated an increase of 24.38 percentages. The majority of legal migrant workers are Japanese people, followed by Chinese, British, Indian and American people, most of whom are expertise working for multinational corporations.

Another category of migrant worker, illegal workers, are defined as those travel to Thailand either legally or illegally according to the Immigration Act and fail to secure a work permit, or those who are found to work in a position at a location during a period of time that differ from the details issued in the work permit they are holding. Most of them are unskilled labors for example workers in fishery, construction and agriculture.

2.3. The Previous Studies

Chatree Rakkritaya (1997) studied about problems of illegal application of the Labor Protection Act with international workers. The study found that most of them were unskilled workers who received low wage with the number of working days and hours that violated or failed to comply with the Labor Protection

Act and the International Labor Organization Conventions. By the Act these workers will be expatriated out of the Kingdom, making them unable to exercise their rights provided by this Act, in prosecuting their employers to treat them correctly in accordance with the rights stated in the Labor Protection Act.

A report provided by the Department of Employment (2001) about impacts of international labor migrations towards Thailand's employability and economic status. The entrepreneurs who hired these workers unveiled that there was still a shortage of labors in some industries due to the fact that Thai workers refused to work in these areas including construction, fishery, handling of goods in port and related jobs. These jobs are risky, dirty, dangerous, routine and boring. Therefore, the entrepreneurs have to solve this problem by hiring international workers.

The study of legal measurements towards the problem- solving of illegal migrant workers, by Kattiya Pandet (2003) discovered that the problem of illegal migrations of international workers had hidden the real number of registered international workers and had caused an ineffectiveness in controlling the situation and led to the national stability. The suggestions derived from this study were stricter application of laws, no racist discrimination, document withdrawal and stronger penalties.

III. DETAILS EXPERIMENTAL

3.1. Research Methodology

The aims of this study were to identify problems of migrant workers in Chonburi Province, Thailand, to investigate the current actions of the problem- solving and limitations, and to suggest directions for future solutions to the issue. The scope of the study was on the situation of migrant workers in Thailand including in the area of Chonburi Province, problems arising from illegal migrations to work in the province and suggested solutions for the issue. This paper applied in- depth and focus group interview technique in collecting the data.

IV. RESULTS AND DISCUSSION

The findings unveiled that a significance of solving actions for the migrant worker problems in Chonburi Province was lower than it should have been. It was found that the political solutions were mainly driven under the concept and principles of economy and capitalism, or with the perspective of economic growth, benefits and national stability, rather than the aspects of human rights and labor rights.

The investigation of the current situation found that there was no decrease of migrant workers illegally entering Thailand, whereas there was no action of laws and regulations strictly applied to solve this problem. Contrarily, the country is increasingly in need of these labors as they facilitate the growth of manufacturing of the country.

There was a contribution of five- fold suggestion based on the research findings.

4.1. Modification of Problem- Solving Directions for the Existing Issue

An effective solution requires more than just inspecting upon the workers. An ideal solution should be integrative by incorporating investigations into their employers and entrepreneurs. These groups of people can associate by opening the number of migrant workers under their employment contract and by giving cooperation in following the related legal procedures. Moreover, the Government should facilitate workers to change their status from illegal to legal through a process of national verification, and to find out ways to increase legal workers to respond to the entrepreneurs' demands of labors.

4.2. Increasing Border Guard Forces

More border guard forces can be stationed especially along the national main routes, whereas special investigation and monitoring can be done with suspected areas.

4.3. Reduction of Steps in Registration and Approval Procedures

Some steps may be removed from the procedures of work permit registration and approval as to motivate and facilitate employers in bringing illegal migrant workers into the system. This is in order to cut off further human trafficking and child abuse. One Stop Service can be an effective model that reduces red-tape and over- process.

4.4. Database Improvement

There must be an improvement of individual migrant worker database under the responsibility of the Ministry of Labor as the central unit. The working current database should be integrated with national civil registration database which can be tracked for identification. The process of issuing identification card for migrant workers should remain the same standard throughout the country, whereas the details provided on the card and in the database must be sufficient for further effective monitoring, control and detection.

4.5. Stricter Enforcement of Labor Laws and Regulations

The enforcement of labor laws and regulations must be stricter in order that those who violate the laws receive real penalties, and in order to prevent recurrence of the problem. The worse consequence of this problem concerns the fact that the country may be affected by the international sanctions in accordance

with the agreements made among the countries under the World Trade Organization regarding human right violations, child labor and human trafficking.

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